

<i>Examiner-Initiated Interview Summary</i>	Application No.	Applicant(s)	
	08/169,127	SHINOHARA ET AL.	
	Examiner	Art Unit	
	MARIANNE L. PADGETT	1717	

All participants (applicant, applicant's representative, PTO personnel):

(1) MARIANNE L. PADGETT. (3) _____.

(2) Sean Flood. (4) _____.

Date of Interview: 16 July 2012.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
 If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: Claims of record, particularly 176-180.

Identification of prior art discussed: NA.

Substance of Interview
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

See Continuation Sheet.

Applicant recodation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recodation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recodation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recodation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/MARIANNE L. PADGETT/ Primary Examiner, Art Unit 1717	
--	--

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The application has been placed in the examiner's electronic docket (albeit with the status incorrect, but enabling the case to be worked on); hence the examiner will proceed with putting dependent claims 176-180 into independent form, which dependent claims were not included in the obviousness double patenting rejection that was affirmed in this CAFC decision of 12/8/2011.

Discussed the clearest way of combining these dependent claims (plus intervening dependent claims) with independent claim limitations. The examiner's amendment will add the dependent claim limitations to their respective independent claim, as the easiest way least likely to introduce errors.

Applicants' representative inquired if the dependent claims from these independent claims could not also be allowed, however the examiner noted that according to the MPEP 1214.06 I, the examiner's required to cancel all claims in which the rejections have been affirmed (including dependent claims objected to as having allowable subject matter before the appeal); & only issue in independent form, dependent claims where all rejections were reversed (claims 176-180 are being considered the equivalent thereof, as they were not indicated to be allowable & objected to before the appeal, but withdrawn from consideration in the 112 rejection during the appeal); as prosecution is otherwise closed, amendments which change scope, i.e. making dependent claims not previously dependent from the limitations of claims 176-180, dependent from the amended claims containing the limitations of claims 176-180, is not permissible.